

**Notice of Allowability**

Application No.

10/749,269

Applicant(s)

JUBRAN ET AL.

Examiner

Janis L. Dote

Art Unit

1756

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Aug. 13, 2007.
2. ☒ The allowed claim(s) is/are 1-18, 29-34, 47, 49 and 53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                            |                                                                                       |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|                                                                                                            | 9. <input type="checkbox"/> Other _____                                               |

1. The finality of the rejection of the office action mailed on Apr. 13, 2007, has been withdrawn for the reasons discussed in paragraph 3 infra.

2. The amendment filed on Aug. 13, 2007, has been entered. The examiner acknowledges the cancellation of claims 48, 50, and 54 filed on Aug. 13, 2007. Claims 1-18, 29-34, 47, 49, and 53 are pending.

3. Upon further review of the listing of the instant claims 1-18, 29-34, 47, 49, and 53 filed on Aug. 13, 2007, the examiner discovered that the term "the aromatic group" in the limitation "the aromatic group comprises two aryl groups bonded together by a linking group" (emphasis added) recited in claim 53 lacks unambiguous antecedent basis in claim 29, from which claim 53 depends. Claim 29 recites that in the formula recited in claim 29,  $R_1$  and  $R_2$ , each can be an aromatic group and the linking group Z can also be an aromatic group. Accordingly, claim 53 should have been rejected under 35 U.S.C. 112, second paragraph. Therefore, because the lack of unambiguous antecedent basis in claim 53 was identified for the first time after applicants' reply to the final Office action mailed on

Apr. 13, 2007, the finality of that office action has been withdrawn.

4. Instant claims 1-18, 29-34, 47 and 49 are allowable over the prior art for the reasons discussed in the office action mailed on Oct. 13, 2006, paragraph 12, which are incorporated herein by reference.

Claim 52 would be allowable if rewritten to overcome the indefiniteness discussed in paragraph 3 above.

In order to expedite prosecution, claim 53 has been amended by the following examiner's amendment, which authorization was given by applicants' representative.

#### **EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Paul Savereide (Reg. No. 36,914) on Aug. 23, 2007.

The application has been amended as follows:

In claim 53, at line 1, delete the phrase "claim 29" and insert the phrase -- claim 30 --.

6. The examiner's amendment to claim 53 set forth in paragraph 5 provides proper antecedent basis for the term "the aromatic group" recited in instant claim 53, and avoids the rejection under 35 U.S.C. 112, second paragraph, as set forth in paragraph 3 above.

Antecedent basis for "the aromatic group" recited in instant claim 53 to refer to the aromatic group comprised in the Z linking group recited in instant claim 30 is found in the originally filed specification at page 10, line 23, to page 11, line 6, and page 11, lines 22-24.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLD  
Aug. 23, 2007

*Janis L. Dote*  
**JANIS L. DOTE**  
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**GROUP 1500**  
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